

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:23-cv-00368

Christian Blanchard,
Plaintiff,

v.

City of Tyler Police Department et al.,
Defendants.


ORDER

Plaintiff Christian Blanchard, proceeding pro se, filed this lawsuit against defendants on July 25, 2023. Doc. 1. On August 13, 2024, remaining defendants Sergeant W. Gardner and Officer A. Reeves filed a motion for summary judgment. Doc. 42. On September 18, 2024, the magistrate judge issued a report recommending that defendants' motion be granted on grounds of qualified immunity and that plaintiff's claims brought pursuant to 42 U.S.C. § 1983 be dismissed with prejudice. Doc. 43. Thereafter, the magistrate judge issued an amended report and recommendation to correct a typographical error in the original report and recommendation raised by defendants. Docs. 44, 45. The amended report and recommendation did not substantively alter the findings of the court. Doc. 45. Plaintiff acknowledged receipt of the original report on October 1, 2024, and a Martin Blanchard acknowledged receipt of the amended report on October 21, 2024. Docs. 46, 47. Neither party has filed objections to the amended report, and the time for doing so has passed.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report (Doc. 45), and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Defendants' motion for summary judgment (Doc. 42) is granted on the

grounds of qualified immunity. Plaintiff's § 1983 claims for false arrest, excessive use of force, and denial of medical care against defendants Gardner and Reeves are dismissed with prejudice. All motions pending in this civil action are denied as moot.

So ordered by the court on January 7, 2025.



J. CAMPBELL BARKER
United States District Judge